Town Council Meeting Minutes

Thursday May 14, 2015, at 7:00 PM, in the Matthew Thornton Room

Chairman Harrington called the meeting of the Town Council to order at 7:00 p.m. Present at the meeting were Vice Chairman Mahon, Councilor Boyd, Councilor Dwyer, Councilor Koenig, Councilor Rothhaus, Councilor Vaillancourt, Town Manager Eileen Cabanel, and Assistant Town Manager/Finance Director Paul Micali.

Pledge of Allegiance

Life Scout Joseph Mroz led in the Pledge of Allegiance.

Announcements

Town Offices will be closed on Monday, May 25th in observance of the Memorial Day holiday.

Regular meetings of the Town Council will be conducted on Thursday May 28, 2015, June 11, 2015, and June 25, 2015 at 7:00 p.m. in the Matthew Thornton Room.

The Merrimack Police Department is working with Boy Scout Troop #401, which is hosting a Bike Rodeo this Sunday at the James Mastricola Upper Elementary School from 1:00 - 4:00 p.m. There will be safety material, a rodeo course, and bike inspections for the family.

The 2015 1st half tax notices will be in resident mailboxes sometime next week. The bill is due on July 1, 2015.

Kinder Morgan – Proposed Northeast Energy Direct (NED) Pipeline Project

- **Informational Reports and Updates**

Chairman Harrington informed the viewing audience of a public meeting conducted by the Amherst Pipeline Task Force (Task Force) on April 28th. In attendance were representatives from Kinder Morgan, Amherst residents, and representatives from Merrimack including Merrimack residents, Town Manager Cabanel, Assistant Town Manager/Finance Director Paul Micali, Councilor Boyd, Vice Chairman Mahon, Ron Miner, Superintendent, Merrimack Village District (MVD), and Chairman Harrington.

The Task Force wanted Kinder Morgan to be aware of their concern for sensitive areas that should be avoided if the pipeline were approved. The map designed by the Task Force and presented implied alternate routes that would bring the pipeline into Merrimack near Pennichuck Square. The map has been posted on the Amherst Town website.

As a result of this information, the Town Council met with its legal counsel, and received advice regarding end response as a result of this information. It is the opinion of the Council that we will continue to generate tools and information, and will wait until Kinder Morgan proposes a route. At that point, the Council will further engage the public and assert our legal position.

Vice Chairman Mahon noted after the meeting concluded, he was approached by William Bousquette, Innovative Power Solutions, LLC who stated he had a land option on part of the Bon Terrain Industrial

Park, and his intent was to put in a natural gas power generating station. Mr. Bousquette questioned whether there was anything of that size, 30 acres, in Merrimack, and was referred to the Community Development Department. When asked, Tim Thompson, AICP, Community Development Director, stated he had not yet been contacted.

Vice Chairman Mahon remarked he gathered from those and other comments that the town would very much like to do something more constructive and profitable with that industrial park in terms of their tax base, but at this point, that is the only other piece he has been made aware of.

Town Manager Cabanel stated the response from the Governor to the Council's letter has been placed on the Town's website. Also posted is the Coalition letter signed by 7-8 communities, including Merrimack. She spoke of having received a message from a member of her office staff that read: "Emily from Senator Shaheen's Office to confirm receipt of the Coalition letter against the pipeline. You can call her at the following number if you have questions." Vice Chairman Mahon noted receipt of a response from Senator Ayotte. Chairman Harrington stated the letter from Senator Ayotte was simply a verification of receipt of the Coalition letter.

Town Manager Cabanel stated she called an individual in the Public Relations Department of Liberty Utilities to pose a number of questions. She spoke to the individual on the phone, took extensive notes, and then closed the door to her office in order to put the notes into sentences, and then had them typed up. She read her notes into the record reiterating they were not intended to be represented as quoting the individual:

They are in discussions with Kinder Morgan to locate a metering station near the transmission line once the route has been finalized. If the route remains the same, a metering station may be located in Merrimack or somewhere else along the route. The location of the metering station will not be determined until the route has been finalized. The metering station is basically used to connect a smaller line, Liberty, into a larger transmission line, Kinder Morgan, to drop down the pressure from one to the other. The metering station for our area, Southern New Hampshire, is planned by Liberty to consist of 1-2 buildings the size of large sheds. This metering station is not a compressor station, and will be located on commercial/industrial land. Liberty is prohibited by State law to own or build a power plant.

This individual was not aware of a power plant being proposed in our area. Liberty serves residential and commercial customers in Merrimack (approx. 3,700) as well as Milford and Amherst. According to the individual, at the Business and Industrial Association meeting on Friday, April 17, 2015, a representative from Kinder Morgan said the 500,000 dekatherms (Dth) committed so far is sufficient to make the project feasible. Town Manager Cabanel stated she then went to the newspaper to verify that actually had been said. It was in the Manchester Union Leader. It was said by Curtis Cole, Business Development Director, Kinder Morgan.

Town Manager Cabanel noted the individual she spoke with committed to sending her a map of Liberty's lines in the area including Merrimack. She is in receipt of the map, however, has been instructed it cannot be given out or placed on the website, but it can be shown to individuals.

The individual also stated he would check with the Engineering Department to see if they have had any discussions with industrial/commercial properties in Merrimack that have been considered or approached to locate a metering station. He then called her back and left a voicemail message stating he had contacted the departments and no one from Liberty Utilities has contacted any business in

Merrimack to talk about locating a metering station. He stated a metering station would not include the ability to transfer liquid natural gas to be transported. The only truck to enter the property would be a pick-up truck to check on the metering station once a week or once a month for a safety inspection. The metering station they have been discussing for our area does not include the capacity to serve a power plant.

With regard to the survey letter, Town Manager Cabanel stated the Town's Attorney had submitted an extensive letter for the Town Council to present to Kinder Morgan regarding conditions under which they could survey Town property. Kinder Morgan responded with adjustments to some of the language. The Town Council submitted a counter-proposal. Kinder Morgan has responded again; however, is discussing something entirely different than what was proposed previously.

Chairman Harrington noted the Town just received that information, and a discussion item would be placed on the agenda for the Council's next meeting.

- **Action Items**

- Continue to press Kinder Morgan for a Public Meeting in Merrimack - **Meeting held 3/26/15**
- Place an action item on Feb 12th agenda requesting the council to take no action regarding request from Kinder Morgan to survey town-owned parcels until Merrimack Public Meeting - **Completed**
- Place NED Pipeline Update on future council agendas - **Completed 2/12/15**
- Update list of properties that directly about proposed pipeline route with a list of properties that fall into pipeline hazard zone - **Completed**
- Consider consultant to:
    - Research communities' property value effects of recent pipeline installations - **Engaged Avitar**
    - Evaluate impacts on the sewer line - **Engaged Wright Pierce**
- Support Conservation Commission's efforts to update data for environmental impacts on HHNP and Gilmore Woods - **Ongoing**
- Support Merrimack Village District's efforts to protect Wellhead Protection Zone and Aquifer Protection Zone - **Ongoing**
- Request Kinder Morgan list of abutters notified of project and requests for permission to survey as well as work with property owners to develop a list of who has been notified of the project and requests for surveys **- Ongoing – Attempting to compile complete list of abutters.**
- Maintain contacts at FERC and NH Congressional delegation - **Ongoing** (NH delegation attends Managers meetings)
- Consult with PSNH (Eversource) regarding where they are in the process with Kinder Morgan and Public Utilities Commission - **No response - No contract between parties (4/23/15)**
- Consult and share information with large companies (A-B/lnBev, Elbit, Premium Outlets, Fidelity, PanAm, PSNH, Pennichuck, etc.) - **Meeting held 2/26/15; will be ongoing**
- Section 106 of the National Historic Preservation Act of 1966 (NHPA) - **Pending formal application**
- Council voted to stand in strong opposition to the NED pipeline - Send letter to Governor/Federal Delegation
    - Letter to Governor - **Letter sent 4/14/15**
    - Letter to Congressional Delegation - **Letter sent 4/14/15**
    - Letter to Local Reps - **Letter sent 4/14/15**
- Council to continue attempts to settle on the Survey Access Agreement with Kinder Morgan - **Ongoing**

Chairman Harrington opened the floor for public comment.

Gina Rosati, 15 Dunbarton Drive

Asked if the Council has seen testimony from Melissa Whitten posted on the Public Utilities Commission (PUC) website. Ms. Whitten is a consultant, and testified on behalf of the State of New Hampshire PUC. The testimony is dated May 8, 2015, and the purpose was to make recommendation on whether the precedent agreement recently entered into between EnergyNorth Natural Gas d/b/a Liberty Utilities and Tennessee Gas Pipeline should be approved or denied. The point in this that she found interesting was mention of an additional "interconnect on the west side of its distribution system at Merrimack", which is assumed to deliver gas supply at a much higher pressure rating.

Ms. Whitten also mentioned "EnergyNorth installing approximately 6,000 feet of 12-inch pipe at a cost of approximately $2.3 million, to tie into the new interconnect." as well as "65,000 Dth per day will be assigned to the new high pressure interconnect".

Chairman Harrington stated she has not seen the testimony. Ms. Rosati provided a copy. She questioned if the Council had heard about this or is aware of what the additional 6,000 feet of 12" pipe would be for. Councilor Boyd stated this was the first he was hearing of it. Ms. Rosati questioned if the Council would be willing to talk to Liberty Utilities and question this. Town Manager Cabanel stated she would.

Ms. Rosati questioned, with Amherst making the map and blocking out their sensitive areas, if Merrimack would do something similar. Chairman Harrington responded the Council may; it is under consideration.

Don Miner, 82 Peaslee Road

Questioned if the Council intended to continue being transparent to which Chairman Harrington replied "as much as we can". When asked if that was an indication something would be redacted, she replied "No, I'm saying that because if I've received legal advice that something is not to be said I will follow legal advice.

Mr. Miner stated residents have been doing their own digging, and he believes Merrimack is in for a rude awakening. On April 20th he was made aware a power plant has been designed for the Town of Merrimack. The information came from Florida. The exact location is not yet known, but he believes it to be going onto the private property discussed earlier. Chairman Harrington questioned which private property. Mr. Miner clarified the power plant would have to be privately owned. They would have to find the right spot, of which there are plenty in Merrimack.

Mr. Miner stated concern with the solar field the Council would be discussing. He remarked it takes power to make power for solar, and questioned what would stop Pennichuck or one of its subsidiaries from building a power plant. He cautioned the Council on allowing the number one renewable source of energy (trees) to be cut down to make way for solar. He stated the residents of Merrimack would foot that bill twice because the State of New Hampshire is funding this in part and the residents of Merrimack would lose the tax revenue.

Chairman Harrington questioned if the Council could be provided with the information Mr. Miner spoke of. Mr. Miner stated the information is redacted at this point. He stated it to be very good information.

Mr. Miner remarked there are too many coincidences. He spoke of a power plant designed in Londonderry; sort of the same players where a good deal of money was thrown around in bribes to officials and high ups. Vice Chairman Mahon questioned what the statements were based on. Mr. Miner stated the computer has a lot of information if you google for it. Chairman Harrington requested speakers be careful with implications.

Mr. Miner reiterated he was not saying it was the Town Council, but a lot has happened. Chairman Harrington reiterated there is an implication, and, as the Chair, she needs to be able to comment on being careful with implications in terms of integrity.

Wendy Thomas, 10 Wildcat Falls, Merrimack

Stated Ms. Rosati provided information about a possible power plant in Merrimack and Mr. Miner spoke of information that she has seen for herself. She stated it to be fairly credible that there are plans for a power plant in Merrimack. The power plant location would not be decided by the Federal Energy Regulatory Commission (FERC). It is decided on a State level.

According to the tax card, the 85 acres where the solar panels are going to be located are actually owned by Southwood Corporation and Pennichuck. She stated Southwood Corporation to be a land development and real estate business that rents to Pennichuck ($1/year). She questioned the business relationship between Pennichuck and Southwood. Councilor Koenig stated Southwood is a wholly owned subsidiary of Pennichuck. Ms. Thomas questioned who would own the solar panels. Vice Chairman Mahon responded neither Southwood nor Pennichuck would own the solar panels; it would be the lessee, Solar City.

When asked, Ms. Thomas stated she was connecting it to Kinder Morgan based on what Vice Chairman Mahon stated earlier about being approached by Mr. Bousquette looking for 30 acres of land. Ms. Thomas questioned if the pilot would go with the land if it were to be sold so those acquiring the land could continue to receive the tax benefits. Chairman Harrington responded a decision has to be made regarding the request for a pilot. There is an assumption being made, which may or may not be accurate. Town Manager Cabanel stated if the solar array goes away then the land is no longer under the pilot. Payment in lieu of taxes is under a Statute that relates specifically to renewable energy generation facilities.

Ms. Thomas stated there is a trend to include solar panels with natural gas power plants, and a lot of people are connecting the dots. To have a power plant you need a grade source of electricity; the substation is being doubled, you need access to water; we have a river running through our Town, and you need access to a pipeline.

Comments From the Press and Public - None

Recognitions, Resignations and Retirements - None

There being no objection, the Council went out of the regular order of business to take up the first item under New Business.

1. **Eagle Scout Project Presentation**
   Submitted by Life Scout Joseph Mroz

Town Council to be presented with Life Scout Joseph Mroz's proposed Eagle Scout project to construct a trail at Grater Woods as approved by the Merrimack Conservation Commission on April 6, 2015.

Life Scout Joseph Mroz introduced himself as a High School Sophomore and Life Scout in Troop 424. His proposed Eagle Scout project is the construction of a trail at Grater Woods. He commented there are three main reasons he wishes to construct the trail: 1) to help the community by making the forest more usable, 2) to provide safe passage for hikers and mountain bikers to enjoy nature, and 3) was influenced during his time as a Cub Scout when he witnessed his brother constructing the Bypass Trail at the Horse Hill Nature Preserve (HHNP).

Life Scout Mroz stated the project proposes a Category B trail half a mile in length. The trail would stay within the park and would not encroach on any wetlands. It would connect the Red Maple and Brick Yard Trails. A 12 - 20' section bridge would be erected over seasonal runoff. The project would be completed with minimal impact. A map was displayed outlining the area of the proposed trail and bridge.

Life Scout Mroz remarked back in Late November he and Matt Caron, Vice Chairman, Merrimack Conservation Commission (MCC), visited the area and defined a start and end to the trail. The Category B trail type was selected, and the trail laid out, e.g., 250' away from water sources, etc. A second walkthrough was conducted with his Eagle Advisor on January 3rd. During that visit they marked and mapped the trail. On January 20, 2015, he presented his proposal to the Grater Woods Sub-Committee, and gained their approval of the project. On April 6, 2015 he gained the approval of the MCC.

Life Scout Mroz again walked the trail with Matt Caron on May 3, 2015. He will walk the area several more times to get the trail down to its final form. Once all necessary approvals have been obtained, fundraising efforts will begin. From there, the trail will be cut and cleared, and the bridge constructed. Once that is competed, trail markers will be put up (MCC will provide). Project cost is estimated at $450-$500. Fundraising efforts will include bake sales at local stores. The baked goods would be donated by him, his family members, and volunteer scouts. He may also conduct car washes. He will seek to acquire the pressure treated wood, galvanized screws or nails, and food for volunteers (scouts from Merrimack Troop 424, other troops, members of the Nashua Robotics Team, family and friends). Volunteers will be recruited through email and will be provided a presentation of the project. The hope is for construction to begin in the late summer and complete in early fall.

Once approved by the Council, the project will be presented to Troop 424's committee (June 3rd) and then on to the District Advancement Eagle Board (June 9th).

Councilor Dwyer commented in the photograph of the area where the bridge is proposed it appeared rather dry, and questioned if it is more of a wet area. Life Scout Mroz responded the photo was taken in the fall. Seasonal runoff typically occurs in the spring. Councilor Koenig commented the bridge is required because of the runoff; however, there is a stump located in the middle of that area. He questioned if the stump is on higher ground, etc. Life Scout Mroz stated the stump is level with the ground where the bridge is proposed, and consideration is being given to placing the bridge on the stump. The expected lifespan of the stump is 20 years. When asked to clarify, Life Scout Mroz stated it appears to have been cut clean, and Mr. Caron has hinted it would take that long to erode.

<u>MOTION</u> made by Councilor Boyd and seconded by Councilor Mahon to approve the project at Grater Woods proposed by Life Scout Joseph Mroz to construct a trail at Grater Woods, which was approved by the Merrimack Conservation Commission on April 6, 2015

<u>ON THE QUESTION</u>

Councilor Boyd commented being presented with projects such as this is one of the best parts of being on the Council. He thanked Life Scout Mroz for giving back to the community. He noted Life Scout Mroz is a resident of Nashua, a Nashua North High School student, and he finds it very impressive that while not a physical member of the Merrimack community, he cares enough about Grater Woods and wished to give something back to a particular part of the Merrimack community that is a crown jewel. He commended him for his efforts.

<u>MOTION CARRIED</u> 7-0-0

The Council returned to the regular order of business

<u>Appointments</u>

1. **Annual Review with the Planning Board**
   Submitted by Planning Board Chairman Robert Best
   Per Town of Merrimack Charter Section 6-6, at least annually, there should be an annual review with the Planning Board. This agenda item is to highlight the Board's significant actions, current projects, anticipated actions, and to raise any concerns the Council should know or could act on.

Robert Best, Chairman, Planning Board, informed the Council in 2014 there were 22 Planning Board meetings that involved a number of different types of approvals. There were 2 residential subdivision plans approved by the Board in 2014 that created 19 cluster lots and 1 new conventional residential building lot, 5 lot line adjustments, 1 voluntary lot merger, a handful of bonds; some approved, some reduced, and some released. There were 11 commercial site plans; five industrial and 4 residential. They included the Autofair Volkswagen Site, Able Ebenezer Brewery, Convenient MD, PSNH's substation, 2 conditional use permits; Edgebrook Heights (35-acre site), and the Flatley parcel (approx. 90-acre site). Both are proposed for mixed use conditional use permits. Neither has gone past the stage of approval of the conditional use permit. They have to come back for future site plans. They are not quite ready to develop, but both contain close to 200 residential units.

At the end of calendar year 2014, the Board had vacancies; 1 full member position and two alternate positions. Since that time two individuals have been appointed as alternate members.

To date in 2015, the Planning Board has conducted 9 meetings, which have included projects at Budweiser for a 55,000 sq. ft. expansion, Boomer McLoud, an outfit that wants to install high-end car audio and alarm systems in the area near the Cinemagic, JBD Realty that is doing a contractor's yard off of Railroad Avenue, Townsend Oil in the north end of Town near the airport road bypass has redeveloped that old granite worksite, Pennichuck Water Works appeared before the Planning Board to provide information on their Raw Water Main project, which is parallel to an existing waterline that they have tapping the Merrimack River and getting to their water treatment plant in Nashua. There was a 2 lot sub-division off of Bedford Road by a company called Button Homes, a 12 lot proposal on Wilson

Hill Road was brought forth at the last meeting as a conceptual review, and roughly 72 residential lot subdivision (Chestnut Hill) proposed for the area near the Merrimack Middle School by Old Blood Properties.

2. Merrimack Dog Park Update

Submitted by Holly Morales

The Friends of the Merrimack Dog Park would like to give the Town Council an update on their progress.

Mr. Jack Rothman noted Gary Murphy was before the Council back in August. He spoke of Mr. Murphy's passing, and commented on how inspirational he was and the amount of work he did on behalf of the Dog Park Committee and the Town. When last before the Council the intent was to kick off the fundraising phase of the project. At that time, a request was made for the release of the $8,474.64 raised to that point. The intent was to utilize the funds for marketing materials and the hiring of the marketing team to assist with fundraising efforts. At that time, the Committee's Charter was amended to identify the focus of fundraising. The Town would be building the park; it has been designed and a location determined, but the Committee would do the fundraising.

Mr. Harvey Bloom stated the project is a team effort of the Town Council, Parks & Recreation Department, Merrimack residents, taxpayers, local businesses, and the Merrimack Dog Park Committee. Mr. Rothman commented there are over 4,000 dog owners interested in the dog park. The Committee has received a great deal of feedback that this is something residents have been waiting for.

Mr. Bloom stated previous donations totaled $12,781.99, and were gained through winter carnival raffles, rabies clinic, voting day t-shirt sales, and private donations. The August meeting with the Town Council was the kickoff to begin the real fundraising through the marketing effort. The marketing effort created the public relations literature, which allowed for soliciting of contributions, sponsorships, etc. Mr. Rothman noted the fundraising efforts have been publicized on multiple occasions in local newsprint. There are flyers and posters up around Town. The Committee has been soliciting contributions/sponsorships from local business owners and sponsors in Town, and has raised over $11,000 from that effort. Total raised as of May 6, 2015 was $23,517.05. Those efforts continue.

Mr. Rothman commented, during the August meeting, there was discussion of funds the Town was holding that could be utilized for the dog park, and the request was made for the Committee to conduct fundraising efforts to show the level of commitment.

It had been believed the revenue gained from tree clearing was in the area of $14,000; however, they have since been informed the acre the dog park would use in Wasserman Park would generate revenue in the area of $500 - $1,000. It was also believed monies remained from the Fish & Game Grant, some of which was utilized by the Rotary to construct the pavilion. The belief is approximately $5,000 remains in that fund. He questioned the potential for those funds to be released or, at minimum, committed. Chairman Harrington noted such a request would have to be addressed at another time. The current agenda item was identified as an update. A request for funds would have to be identified on a future agenda to allow for public input.

Mr. Bloom noted in 2004 the dog license donation letter was sent out, which generated approximately $2,400. To date, in 2015, that has generated approx. $1,600. The monies represent an additional donation dog owners are making when licensing their dogs.

Mr. Bloom identified future fundraising efforts, which include information/donation tables at various Town events, the Pet Safe Bark for your Park Contest, which is a contest that solicits votes to give a community a chance to win $100,000 toward the cost of building or renovating a community dog park. The sponsor will award one (1) community the sum of $100,000 (the "Grand Prize") and four (4) communities the sum of $25,000 (each, a "Runner-up Prize"). Last year Merrimack received about 3,000 votes. As of 5:53 p.m. there were 201 votes for Merrimack. Those interested can vote twice a day until June 10th; once on the Pet Safe site http://www.petsafe.net/barkforyourpark/ and once through Facebook. Communities making the first cut will be included in the next phase, which runs from June 15th through July 22nd.

Vice Chairman Mahon questioned the number of votes achieved by those communities that made it through to the second phase during last year's contest, and was informed some had 20% of the population and others 40% of the population. The formula is not strictly based on number of votes cast, but percentage of population.

Other fundraising events include a donation table at the Merrimack Farmers Market beginning June 17th. The woman who runs Kona Ice has stated if she is able to be at the event with them, she will donate a portion of the profits. A great deal of volunteering will be done at the Rock'n Ribfest as they make a donation based on the number of volunteer hours contributed. Similar activities will occur during the July 4th celebration. On Wednesday, July 8, the Chipotle restaurant in Bedford will donate 50% of its profits made from 4:00 - 8:00 p.m. toward the Merrimack Dog Park. The committee is also brainstorming future events, including a comedy show and giant yard sale.

Councilor Dwyer thanked the Committee for doing exactly what the Council requested they do a year ago; they took the remaining funds and parlayed them. Mr. Bloom commented before that time the Dog Park did not have the necessary traction. That was a good kick in the pants, and it got them going. Councilor Boyd commented they have done everything the Council had hoped they would, and he believes they are getting close to the finish line. After receiving the report and knowing what the Council can do to push the fundraising efforts over the edge, he sees the Dog Park being open next summer, which is something he could not have said previously. When asked, Councilor Dwyer stated he would have been prepared to identify the threshold to be reached tonight; however, he is unaware of precisely what remains in the fund. He stated he would save the subject for discussion at the Council's Retreat.

Councilor Boyd stated he would be in a position to do what he can to act to move forward with the Dog Park based on what has transpired over the last 12 months. He stated his appreciation for the transparency provided, which gave him a good sense of what the Committee has been able to do in terms of fundraising, and the plan that is in place going forward.

3. Rotary Club of Merrimack 4th of July Update

Submitted by Bob Best

The Town Council to receive an update from the Rotary Club of Merrimack on the proposed 4th of July festivities.

Mr. Robert Best, Sergeant of Arms/Chair, Rotary Club of Merrimack, stated the Rotary's 4th of July effort begins in the morning with a pancake breakfast at 8:00 a.m. Pre-paid tickets will be available online. Mr. Best spoke of having had the opportunity to meet with both the Police and Fire Departments as their support is a big part of what the Rotary does, and both have a presence in terms of supporting the event as well as conducting demonstrations and entertainment for the events.

The Opening Ceremony will feature the Police Department and the singing of the National Anthem by Mariah Delage. There will be three stages. On the main stage in the baseball field children's performer, Amy Conley, will be there in the afternoon and a band called Cover Story will be there in the evening until the fireworks start. Where the food tent is usually in the parking lot there will be a small stage with a magician who will perform three shows. There is an opportunity to sneak a few other performers in there.

All the way down by the High School there will be another stage. A Merrimack High School Alum named Darren Roy has a company called D.A.R Entertainment. He will set up a combination of live and DJ music down there. His planned live performers are a group called As We Know It and an individual named Sam Robbins. The focus of that second stage is to provide music tailored to teens and young adults so that there is something for all age groups.

In addition to the music stage, will be 8 inflatable bounce houses, slides, jousts, arts & crafts for the kids, and an art and photography contest with gift card prizes available. The contests can be entered by children and adults. One of the Rotary Club members will individually sponsor and run a free throw contest at some of the basketball hoops on the playground. All of the food vendors will be present. There is already a list of politicians and some non-profit groups that wish to participate. The Police Department will have their demonstration with Gunny. The Police also run a dunk tank. The Fire Department does a demonstration with the ladder truck and repelling from that. They also assist with a fire truck ride in the parade, which is raffled off to raise funds. Last year the revenue generated went to help those who needed assistance with heating oil.

There will be new events, e.g., giant connect four game, giant checkers, etc. The Committee is working on a few other events such as having the dance and karate studios participate. They are also looking to speak with stores that sell merchandise for skateboarders to do a skateboarding demonstration in the skate board park. That has not yet come together, but they remain hopeful.

Mr. Best spoke of the level of assistance he has received from Matthew Casparius, CPRE, Director of Parks & Recreation, the Police and Fire Departments, the Merrimack School system, the MYA provides the portable lighting, the Knights of Columbus, several Merrimack churches, the High School Robotics Team, Honor Society, Wrestling team who all provide volunteers, the Friends of the Dog Park sent an email with a list of people that want to volunteer. What the Rotary Club has done is taken the revenue generated from the bounce houses and divides it up among those who volunteer for the whole day and make that contribution back to all of those clubs for their volunteer time. All funds generated from the event go back into the community.

Efforts have increased with regard to advertising the event on social media sites, and as sponsors come on board efforts will be made to ensure they get the recognition, and to hopefully encourage people to do business with the sponsors for stepping forward and sponsoring the event.

Councilor Vaillancourt remarked she has family that comes in from out of town in the summer and they try to time it for the 4th of July because the event is so spectacular. Councilor Vaillancourt stated the Merrimack Road Runners Booster Club, which supports the cross country and track programs at the middle and high schools, will be putting on their 18th annual Sparkler 5K Walk and Run on the 4th of July. The event starts at the Merrimack YMCA at 8:00 a.m. Mr. Best noted the parade starts around 1:00 p.m. When it ends is when the Opening Ceremony takes place. He commented it is a great partnership to combine all of the events that go on throughout the day.

Public Hearing

1. Public Hearing - Request to Accept and Expend TAP Funds and Withdrawal from the Infrastructure CRF

Submitted by Deputy Public Works Director Kyle Fox

The Town Council will hold a public hearing to consider the acceptance and expenditure of Transportation Alternatives Program (TAP) funds in the amount of $436,000 and a withdrawal from the Infrastructure Capital Reserve Fund of $109,000 to design and construct the Souhegan River Trail between Watson Park and the pedestrian bridge adjacent to the Merrill's Marauders Bridge, pursuant to Charter Article 8-15 and RSA 31:95-b.

Kyle Fox, Deputy Director, Public Works Department, spoke of the award granted to the Town by the New Hampshire Department of Transportation (NHDOT) through Federal Highway Administration for their Transportation Alternative Program (TAP) for a trail project here in Town.

The TAP program was created under the Federal Highway Transportation Law, known as MAP 21, Moving Ahead for Progress in the 21st Century. It is a streamline program that merged many other programs, e.g., Safe Routes to School, the former Transportation Enhancements Program, etc. In September of 2014, a notice was received from the Nashua Regional Planning Commission (NRPC) that they were seeking projects for the competitive grant process. Merrimack put in an application. Total statewide funding that was available in the program was $5.4 million. There were 43 applications received by NHDOT statewide, and Merrimack was 1 of 12 communities that was accepted to receive funds. Merrimack stands to receive $436,000. The program is an 80/20 split with 80% federal monies and 20% Town match ($109,000). The Town has not formally been apprised of the award yet. An update received from NHDOT earlier in the day stated the Governor and Council will meet to discuss the awards on May 27th.

The core project is the Souhegan River Walk Trail. That project was derived by the Town Center Committee. They came up with a plan of trails and sidewalk systems in the Town Center area. Deputy Director Fox displayed a map depicting the immediate area of the project. In the plan, which was adopted by the Council in 2009, there is a trail that would begin at Watson Park, go under the Chamberlain Bridge through the Sluiceway, across adjacent by the fire station, across the former pond that was breached when the dam was removed, then follows along through the woods eventually meeting up to the Souhegan River pedestrian bridge, which is adjacent to the Merrill's Marauders Bridge.

In parallel with that, last summer, one of the projects the department was working on with its engineering interns, as part of the Capital Improvements Plan (CIP), was the repair of the sidewalk that approaches the Chamberlain Bridge. It is a canter leavered sidewalk. A good deal of surveying was conducted and preliminary plans were developed to identify a concept to address needed repairs. The basic concept is to remove the canter leavered sidewalk, put in a retaining wall along the face of the edge of the canter leaver, backfill that with soil, and put the new sidewalk on the soil. As part of that, they thought they would be able to accommodate part of the Town Center Committee's desire to get under the sluiceway because the work would be mostly coincidental to their work, and they could at least get the trail, with their project, to the sluiceway. The project was not going to go any further than that. In September, when they became aware of the grant opportunity it all came together, and through discussions with the Town Manager, they were able to put an application package together.

They were able to leverage the CIP project, which had an estimated cost of $150,000, and get that project plus the work they were going to do for the Town Center Committee Plan and the rest of their Phase I and Phase II plan. With the Federal funds, the Town's contribution will be reduced by $41,000 to $109,000.

The overall project is a trail project that will construct 2,500' of new trail. It will go from Watson Park, underneath the Sluiceway, and eventually end up at the pedestrian bridge adjacent to the Merrill's Marauders Bridge. The failing canter leavered sidewalk will be repaired. Most of the concrete pens that are adjacent to the bridge in Watson Park will be removed. A few repair items will be done to the Chamberlain Bridge itself, e.g., mortar is failing in the mortar joints and needs to be repaired. The Heritage Commission had approached the department a few years ago with a project to engrave one of the existing stones with "Chamberlain Bridge". That will be accommodated as part of the project. The last two items would likely be non-participating for Federal funds, and would have to be completely funded by the Town, but could be easily incorporated as part of the project.

As a Federally funded project, the process is pretty strict. It would begin with the consultant selection process. There is the need to send out a Request for Proposals without fees identified. The proposals would then be reviewed for qualification purposes and a determination made based on the best consultant for the project. Then fees are negotiated with that consultant. If unable to come to terms with that consultant the Town moves to the number 2 choice. Once we have moved on to the number 2 choice, we can no longer talk to the number 1 choice.

Next is the engineering study. That is where all of the preliminary survey work is completed. The two biggest concerns relative to timing for the project are any historical issues that come about from removing the stock pens and the Approval Use Required (AUR) that will have to be completed because of the soils in Watson Park. The department will have to work with the Department of Historical Resources (DHR) and the Department of Environmental Services (DES) to mitigate those two issues. They will then move into preliminary and final design. They will end up with a set of plans, will go out to bid, and then construct the project. The project could be completed in 17-24 months.

Deputy Director Fox commented the ability to turn the project around fairly quickly is one of the reasons the application scored well. The guidance on Federal funding from DOT is that they want projects to get done quickly and in the timeframe specified.

Chairman Harrington declared the Public Hearing open at 8:36 p.m.

No one from the public addressed the Council.

Chairman Harrington declared the Public Hearing closed at 8:37 p.m.

Vice Chairman Mahon questioned whether the grant has gone before the Governor and Council. Deputy Director Fox stated it is on their agenda for May 27th. Vice Chairman Mahon stated the Town paid for the bridge and a land purchase made to fill the gap in the area that existed because of the private ownership, and questioned if those costs could be identified as part of the Town's 20% match. Deputy Director Fox responded he did not believe so as everything identified within the grant is project specific. Perhaps if that had been included in the application it might have; however, he believes the chances would have been slim as one of the guidelines of using Federal funds is you have to have prior approval to expend before doing any work.

Councilor Boyd referred to the backup material provided; specifically the email dated January 23, 2015, which states in part: "New fencing will be added to separate the path area from the remaining hazardous materials stockpiles and the uncleaned portion of the park leading down to the river." He questioned if part of the grant funding could be utilized to rid the area of the materials. Deputy Director Fox responded that could be looked into. Those kinds of details will be ferreted out during the engineering study. We can certainly strive for it.

Councilor Boyd spoke of the mention of the use of a consultant, and questioned if the work to be performed would be beyond the work that was completed by Deputy Director Fox and the interns over the summer, and was informed it would be. Deputy Director Fox reiterated the requirements of Federal funding are so thorough there is not sufficient time for the work to be completed by him and the two interns. There will be the need to hire a consultant.

Councilor Boyd noted mention in the email regarding programming $200,000 for the Town's share, and questioned if there is the need for the Council to consider something over and above the match for other additional things that would be needed to successfully complete the project. Deputy Director Kyle responded he does not believe so; the only potential items that would be over are the two that he stated might be non-participatory. When asked, Deputy Director Fox stated nothing on the Chamberlain Bridge itself would change other than the small repair work. The sidewalk that has failed is the approach sidewalk to the bridge. When asked, he stated it is likely the project could be out to construction in June/July of next year, and it should be a 5 month construction period. If all goes well, the project could be completed by November of next year.

Councilor Koenig asked for clarification on withdrawing monies from the Infrastructure Capital Reserve Fund for a trail. He questioned the association that allows for the expenditure of $109,000 from that fund. Deputy Director Fox responded there is the need to look at the parallel track. In each of the last two years, the CIP included the repairs to the approach sidewalk to be funded out of the Road Infrastructure Capital Reserve Fund. They are just parlaying that CIP item into a larger scope project. We are still accomplishing every goal that we have in the CIP item, we're just getting a whole lot more, and to accommodate the grant application, we have to call it a trail project.

Town Manager Cabanel noted the number in the CIP for that particular stretch of sidewalks was originally $150,000. Deputy Director Fox stated in the 2013 approved CIP it was $150,000. When the CIP was last approved there was knowledge of the possibility of the grant. The $536,000 is listed in the latest CIP. He reiterated only $109,000 will need to be expended. Councilor Koenig asked if the grant identified the fixing of the sidewalks, and was told that is part of the grant application and part of the project that was accepted.

<u>MOTION</u> made by Councilor Boyd and seconded by Councilor Rothhaus to accept and expend the Transportation Alternatives Program (TAP) Grant in the amount of Four Hundred and Thirty Six Thousand Dollars ($436,000), authorize the withdrawal of the Town's 20% match of One Hundred and Nine Thousand Dollars ($109,000) from the Road Infrastructure Capital Reserve Fund, and that the Town Manager and/or her proxy be authorized to sign any and all documents necessary to effectuate the grant application. <u>MOTION CARRIED</u> 7-0-0

2. Public Hearing – Abbie Griffin Memorial Fund for Fire and Police Departments

Submitted by Fire Chief Michael Currier and Police Chief Mark Doyle

The Town Council will hold a public hearing to consider the acceptance and expenditure of funds from the Abbie Griffin Memorial Fund in the amount of but not to exceed $18,000 for the purchase

of (74) batteries for the fleet's portable radios as well as (21) spares for rotation, (2) 6-bank chargers for Station 1, (1) 6-bank charger for Station 2 and (14) vehicle chargers with tri-chemistry technology for the Fire Department and for the purchase of the equipment necessary to outfit (2) Supervisor's vehicles with mobile "Command Post" equipment and radio modifications for the Police Department, pursuant to RSA 31:95-b and Charter Article 8-15.

Richard Pierson, Assistant Chief, Merrimack Fire, stated the request for acceptance and expenditure of funds from the Abbie Griffin Memorial Fund is to purchase needed items for the Fire Department. The expenditure recommendation submitted was to fund batteries for portable radios. Prior to the recommendation, research was conducted, and it was determined no grants are available for either new portable radios or batteries.

Brian Dubreuil, Captain, Merrimack Fire, stated approximately a year or a year and a half ago, at the recommendation of Assistant Town Manager/Finance Director Micali, the department looked into a company called GTS Incorporated. They came to the Town with a new lithium polymer technology for our portable radios. They claimed the department would get extended battery life, superior performance, more output, etc. They provided him and the Chief with a battery and charger to test. Over the last year the new batteries have been evaluated, and what they claimed has proven to be true. The current batteries used with the Motorola portables generally die about half-way through the shift. A lot of complaints are received particularly when the batteries die somewhere in the evening and officers are called out for a fire, and they cannot communicate effectively. It becomes a safety issue. After evaluating these batteries it has been determined to be the direction to go. The request being made is for approval to expend slightly less than $9,000 to purchase the batteries.

Chairman Harrington declared the Public Hearing open at 8:54 p.m.

No one from the public addressed the Council.

Chairman Harrington declared the Public Hearing closed at 8:55 p.m.

Councilor Vaillancourt requested clarification of how the Abbie Griffin Memorial Fund is funded and funds distributed. Assistant Town Manager/Finance Director Micali stated Abbie Griffin had a trust fund set up. For the Police and Fire Departments there is approximately $376,000 of principal in the fund. The Executor of Abbie Griffin's Will and the Trust contacts him in the October timeframe and informs him of the amount of interest from the prior year that is available for expenditure. It is only the interest that is expended. It needs to be used on fire and police equipment, and cannot be used to supplant the budget.

Councilor Boyd questioned at what point the portables need to be upgraded. Captain Dubreuil stated his belief the Chief is already working on a replacement program for these portables. The department received grant funding back in 2006 for all of the portables and mobiles. Both Police and Fire received portables and mobiles to outfit the entire fleet. We are towards the end of the life expectancy on the portables at this point. The batteries and chargers being requested for purchase are compatible with new technology coming out. Councilor Boyd noted the 60-day quote provided expires in 3 days, and was informed the 60 day term notation is a standard note, and there will be no difficulties making the purchase.

Councilor Koenig questioned the number of radios identified (74). Captain Dubreuil replied they outfit all of the members of the Fire Department with their own portable radio. It is a key piece of equipment for the safety of the members and to have effective communication. They also outfit spare portables on a lot of the apparatus to allow for backups, e.g., if someone shows up to the scene off-duty there is one available, etc. Some bring their portable radio home. Most will hang their portable radio with their gear at the station. They have a small allotment (about 12) in reserve. That covers times when one is out for repair. When asked, he clarified each individual has two batteries, and with the current batteries, what they are finding is it is necessary to swap them out half way through a shift (24 hours). His experience with the batteries being proposed for purchase is the need to charge them once every 30 days. It was noted the portables are also used by the volunteers and call EMS staff. Councilor Koenig noted the costs stated for the current batteries are $100/each and the proposed batteries $70/each. The literature states no memory issues with the batteries. Captain Dubreuil commented, to date he has had no issues with memory problems. They expect 850+ charges out of one of the batteries, which come with a two-year warranty.

<u>MOTION</u> made by Councilor Boyd and seconded by Councilor Rothhaus to accept and expend an amount not to exceed Nine Thousand Dollars ($9,000) from the Abbie Griffin Memorial Fund for the purchase of (74) batteries for the fleet's portable radios as well as (21) spares for rotation, (2) 6-bank chargers for Station 1, (1) 6-bank charger for Station 2, and (14) vehicle chargers with tri-chemistry technology for the Fire Department and furthermore that the Town Manager and/or her proxy be authorized to sign any paperwork necessary to perfect the transaction. <u>MOTION CARRIED</u> 7-0-0

Chief Mark Doyle, Merrimack Police Department, remarked when first approached regarding the upcoming expenditure and the need to put together a plan, he solicited input from all members of the staff. They came up with the concept of command posts and associated equipment for both of the Supervisors' vehicles.
This would include the purchase of a utility box, which is designed for compartmentalized storage for equipment, a dry erase whiteboard, which would be used to mark and track personnel who arrive at the scene and create notes and assignments for the on-duty Shift Commander or command post Incident Commander for assignments and other things that would be necessary for arriving officers or units to the scene of a major incident. It would also include slide trays for maps and other associated two-scale renderings for easy access to information for our Supervisors or Incident Commanders while at the scene to be able to look at them in a desk format as opposed to sitting in the front seat of a cruiser with them all crumpled up; a more manageable way to look at that information and glean information from that to be able to more accurately and effectively manage a command post.

It would also include the purchase of a shroud that is designed in such a way it would attach to the rear hatch of the Supervisors' vehicles. This is really designed in essence to protect our offices and Incident Commanders from the elements as it wraps around the rear end of the car. It would also include the purchase of lighting enhancements, which would be installed inside the rear end or the hatch of the Supervisor's vehicle to allow Incident Commanders to operate and manage the crime scene or incident scene in low light conditions, and also include the purchase of a dual-head radio configuration, not an additional radio, but a configuration, which would be compatible with the current APCO 25 Statewide interoperable radios that we have in all of our cruisers including our Supervisors' cars. That is designed so that it would be able to be used not only in the front of the car where it is normally housed, but also in the rear of the vehicle.

Chairman Harrington declared the Public Hearing open at 9:07 p.m.

No one from the public addressed the Council.

Chairman Harrington declared the Public Hearing closed at 9:08 p.m.

Councilor Boyd suggested this is the type of device that if there were a multi-jurisdictional issue as it relates to emergency management, certainly would be something that, since Chief Currier is also the one responsible for coordinating emergency management, he could actually commandeer one of your vehicles and use it as a command post for him as well.

Chief Doyle responded Chief Currier's vehicle is equipped in a similar fashion, which is where the idea came from. Chief Currier remarked the Fire Department has three command vehicles, and they have the same setup in them currently with multiple radios so they can command an incident, keep track of accountability for all personnel, any mutual aid coming and any emergency on the scene. The only difference he sees is the command consoles in the back of the fire cruisers have three radios in them.

Michael Currier, Chief, Merrimack Fire, explained when arriving at the scene, given the amount of mutual aid used, EMS functions, and talking to headquarters, they automatically take the fire scene of the incident to a fire ground channel. That fire ground channel is where all of the people that work in the fire ground operate. The primary radio stays at headquarters so when the incident commander talks to headquarters he is talking on the air to headquarters without affecting any emergency operations that happen at the fire ground or the EMS or motor vehicle accident. If a second call comes down they do the tones that go off on the primary channel then not affecting the actual fire ground of the emergency ground channel. The third radio is what they call emergency on the scene radio or mutual aid. Some people coming in from mutual aid, e.g., Milford, Hollis, don't have our secondary channel. We use Statewide 280 as the fire ground so it gives him the ability to talk to mutual aid on the fire, and if there is an emergency or a firefighter down or at a motor vehicle accident and someone gets hit by a motor vehicle he not only has the fire to address he has the fire and the emergency going at the same time, and that is moved to the second channel. He can contact headquarters to call ambulances that are affecting the emergencies, they can take care of the original emergency and any other emergency or mutual aid that comes in at the same time. That is the purpose for three radios.

Councilor Boyd remarked God forbid there were an active shooter scenario, he imagines this would be something that would be very appropriate for the Police Department to have. Chief Doyle responded it would. He added they are working very closely with an active shooter scenario right now with the Department of Homeland Security. The scenario will be playing out very shortly. They have worked closely with the Fire Chief and his team as well as members of the School District. Exactly what that entails is a boatload of these interoperable communication issues as they perk up.

Chief Currier remarked when there is a major incident or an incident involving multiple agencies, you have what they call, under the National Incident Management (NIM) System for the Federal Government, a unified command. What happens is everybody is handling their own incident and their own people and keeping track of their own people, but they have to be close enough so we can verbally talk and understand what is going on. By having the fire command post and the police command post parking next to each other the incidents are going on, but we are still in a unified command to make sure we don't lose accountability for anybody, make sure all issues are taken care of, civilians are taken care of, we evacuate the right areas, EMS is taken care of, and it is all done in a unified command situation.

Chief Doyle remarked it provides the ability, as they literally work side by side, at a major scene to not only communicate effectively but share information quickly as opposed to getting on cell phones or trying to reach somebody on a radio, etc. really where chaos has generated a whole boatload of confusion. By putting this system together as proposed, where the Fire Department already has 3 in place, is going to be a step up to securing the ability to cross communicate, work very closely together and share that information in real time without worrying about it getting lost in translation. Chief Currier added having the multiple vehicles allows them to handle multiple incidents at the same time.

Councilor Koenig remarked he recalls when the Fire Department came to his home for a kitchen fire, and he was able to see the command post in the back of the vehicle. He understands the value of that. He was able to see how well they could track and control the people on the scene and know who was there, who checked in, check out, as well as be able to coordinate and understand what was going on. That was an eye opening experience. He noted the Police Department has a command vehicle, and questioned why they need two additional setups. Chief Doyle responded the units already exist, what they are doing is giving the Field Supervisors the ability to do what they need to do at the scene of an incident prior to that commander incident response vehicle coming out. That is kind of their rolling resource. It has all of the crime scene equipment in it that the Supervisors' vehicles wouldn't necessarily have. It has a lot of the backup radio equipment in there as well, which the Supervisors' vehicles don't have. What they need is to be able to give the Supervisors the ability to be able to setup, establish and create a command post at a scene without having to worry about having someone respond from the scene, come back here to the ambulance garage to pick up the incident response van to drive it all the way back out there, to set up that command post, which will happen in due time when we get a number of resources at hand to be able to release people.

To be able to give them those resources right away; the ability to set up that command post and have all of the materials and information necessary at their fingertips is so critical in the first few minutes of any major incident. If we don't have that ability of if it is very confusing or cumbersome because they have to rifle through a trunk full of equipment which isn't managed or accurately stored and effectively put in a position where they can manage it and use it effectively it then becomes a bigger problem.

MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to accept and expend an amount not to exceed Nine Thousand Dollars ($9,000) from the Abbie Griffin Memorial Fund for the purchase of the equipment necessary to outfit (2) Supervisor's vehicles with mobile "Command Post" equipment and radio modifications for the Police Department, pursuant to RSA 31:95-b and Charter Article 8-15, and furthermore that the Town Manager and/or her proxy be authorized to sign any and all paperwork necessary to perfect the transaction. MOTION CARRIED 7-0-0

Legislative Updates from State Representatives - None

Town Manager's Report

The Merrimack Police Department is announcing the annual Highway Safety "Click it or Ticket" Seat belt Enforcement Mobilization Campaign.

The Merrimack Police Department would like to remind everyone about the New Hands-Free law going into effect on July 1st prohibiting use of electronic mobile devices while driving.

Registration for all summer programs including the Naticook Day Camp, Summer Tennis & Swimming Lessons is open and ongoing. Visit the Parks & Recreation Dept. website at www.merrimackparksandrec.org for details or call 882-1046.

Reminder; dog licenses were due April 30th. If you haven't registered your dog please do so as soon as possible as the Town Clerk's office is preparing to issue fines for unlicensed dogs.

Manchester Street Bridge construction is still scheduled to be completed by the 15th of July. The McGaw Bridge design is complete pending review by NH Department of Historical Resources. The Bean Road Bridge design is currently being reviewed by the NH Department of Transportation.

The Town summer paving program has been awarded to Brox Paving. Completion of the program will be by September 15, 2015.

Town Manager Cabanel expanded on remarks made by Robert Best regarding the Anheuser Busch expansion stating the project calls for three separate additions to their main building. Two of the additions (totaling approximately 50,000 sq. ft.) will function as warehousing and packaging facilities. The third addition (5,300 sq. ft.) will be for brewing. The additions will allow for a new can line to operate in the facility. Anheuser Busch anticipates approximately 38 new employees will be hired for the expanded can line.

The Town Council Retreat /Work Session will be held on Friday, June 5th at the SERESC Conference Center located at 29 Commerce Drive in Bedford. Please send your topics to Chairman Harrington by Wednesday, May 27th. Chairman Harrington noted the only reason the Retreat will be conducted in Bedford is because locations within Merrimack were not available. Councilor Boyd commented one of his clients is cited at SERESC, and stated it to be a wonderful facility. Councilor Dwyer questioned why the Council could not have simply met in the conference room by the Town Clerk's office. Chairman Harrington responded that was discussed, but the feeling was there would be more participants than usual, and the space would not be very accommodating. Councilor Dwyer noted in his five years he has not seen a single member of the public attend, and questioned why the Retreat would be moved out of Town simply to accommodate the possibility of public attendance. It was noted the Retreat is a work session of the Council. Chairman Harrington remarked, based on that argument, past Retreats should have been conducted in the conference room.

Councilor Boyd commented back in 2011 he questioned the use of the facility at Watson Park, and stated again there is a room there that could be used.

Councilor Vaillancourt noted the work session is a public meeting, and you should be able to have room for public to attend. She stated her understanding for why the location was chosen. She added SERESC is technically not a Bedford business, it supports all local school districts, and Merrimack School District happens to be a member of SERESC. She does not look at SERESC as being a Bedford business. They support local government here in Merrimack.

Consent Agenda

1. **Proposed Zoning Ordinance Amendments [Final Reading]**
   Submitted by Community Development Director Tim Thompson
   The Town Council to consider the Planning Board's recommended amendments to the Zoning Ordinance (Sections 1, 2, 3, 5, 6, 7, 8, 9,14 and 17) pursuant to RSA 675:2 and Charter Article V,

Section 5-4.

<u>MOTION</u> made by Councilor Mahon and seconded by Councilor Boyd to move the Consent Agenda. <u>MOTION CARRIED</u> 7-0-0

<u>Old Business</u>

1. Hazard Mitigation Plan Approval
Submitted by Fire Chief Michael Currier
Town Council to consider final approval and adoption of the Hazard Mitigation Plan.

Chief Currier stated they are in the final stage of the Hazard Mitigation Plan. Back on November 16, 2014 all of the issues and changes that have occurred were reviewed through the NRPC and the Hazard Team. That document was sent to the Federal Emergency Management Agency (FEMA) for final approval. FEMA has sent it back with their approval without any corrections or changes. Chief Currier thanked those who were instrumental in the creation of the plan noting a year's effort was put into it prior to submittal to the Town Council.

Chief Currier stated, once adopted by the Council, the final paperwork will be signed and forwarded to FEMA for final approval, which would put the Town on the approval list for any grants, etc. that are available from this point forward. FEMA is in the process of changing all of the requirements for the grant next year, but if we get it in this year it will be good for five years.

<u>MOTION</u> made by Councilor Mahon and seconded by Council Boyd for final approval of the Hazard Mitigation Plan. <u>MOTION CARRIED</u> 7-0-0

2. Pennichuck Water Works – Request for PILOT for Solar Project [Tabled at the 4/23/15 Town Council meeting]
Submitted by Pennichuck Corporation Chief Operating Officer Donald Ware
Pennichuck is requesting that the Town consider accepting a payment in lieu of taxes for a proposed 1 Megawatt Solar field that it is considering constructing in Merrimack.

Chairman Harrington informed the viewing audience the Council has received a great deal of information since its last meeting, a good deal of which relates to assessment of properties, proposed agreements, tax and legal implications, etc. There has been some back and forth seeking clarification. Given Mr. Ware was not in attendance, she questioned the will of the Council.

Councilor Boyd responded it is a moot issue if the Council were to wait as his impression is Mr. Ware and Pennichuck were under "time constraints", which explain the haste and the angst that this Council had two weeks ago in trying to make an accommodation. He stated his disappointment Mr. Ware was not in attendance after all of the work staff and this body has done.

Councilor Koenig noted the matter was tabled until this date. Therefore, it should be removed from the table regardless of how the Council wished to proceed.

<u>MOTION</u> made by Councilor Boyd and seconded by Councilor Vaillancourt to take from the table the request for PILOT for solar project from Pennichuck Water Works. <u>MOTION CARRIED</u> 6-1-0 *Councilor Dwyer voted in opposition.*

Councilor Dwyer remarked the Council has been reading for a week and was prepared to propose a great many questions. Speaking for himself, he stated he had already formed a lot of opinions based on the information he has reviewed. He stated he was prepared to discuss the matter and vote one way or the other. He added, at this time, he is fairly against the request as there are too many moving parts and not the right questions with the right answers. He was prepared to say no based on that.

Councilor Vaillancourt stated she too was prepared to make a decision having had all of her questions answered.

Councilor Boyd stated he has taken a close look at the request, and was prepared to vote. Based on face value, while he is a big proponent of solar and believes this project could potentially be a good economic development piece not just for Pennichuck but anyone else that might come into the community, based on what was presented, it is not a good deal for the community, and he is opposed to it.

Councilor Dwyer stated he was prepared to support the project, and was excited about it happening. However, as it developed it became a complicated mess. Pennichuck did not prepare the Council early enough to have the information needed. He stated his disappointment he cannot support it. He commented perhaps this can point the Town in the direction other towns have taken where a solar project could be done at the Town landfill.

Councilor Boyd stated he had hoped this would have been an opportunity for Pennichuck to partner with Merrimack. He would have liked to have seen them come to the Town earlier, and remains hopeful if this is something they wish the Council to consider at a later date, that they come to the Council sooner than later.

<u>MOTION</u> made by Councilor Mahon and seconded by Councilor Boyd that the Town of Merrimack pursue formal approval of a pilot agreement with a Public Hearing to be scheduled on July 16, 2015 as required by law

<u>ON THE QUESTION</u>

Vice Chairman Mahon commented on the motion being a positive motion.

Councilor Rothhaus stated agreement it is the moving parts that are the issue. He was torn initially, but was coming on board as he believed it had nice potential, but the information has been mindboggling.

Councilor Vaillancourt stated she would love to be able to support a solar project, and remarked it would be a great thing for the Council to get behind. However, she cannot support the current proposal. In addition to the there being a great deal of moving parts, another major factor is the information received regarding the value of the land and how undervalued it was presented to be. It could be developed and is worth quite a bit more. For her, the payment in lieu of taxes wasn't a benefit to Merrimack. She stated her hope others would not be discouraged from such an endeavor in the future.

Vice Chairman Mahon remarked the moving parts piece was part of the issue for him, but the other thing that bothered him most was the numbers kept moving. It seemed like he was trying to give us a number that we would accept rather than being straightforward about it. It was stated he had been working on the project for over a year, yet we were given 5 or 6 different figures. He added we all completely overlooked the public hearing part of this proposal.

Chairman Harrington stated she has been against the proposal from the onset. She commented she gets very subject and commented there is a strategy of late submittal. Theoretically, she is behind solar power, but it was just too fast, too much, and become more complex as time passed.

MOTION FAILED
0-7-0

New Business

2. Memorial Plaque at the Merrimack Skate Park
Submitted by Wendy Bamford
Town Council to consider a request to have a memorial plaque placed at the Merrimack Skate Park on O'Gara Drive in memory of Taylor M. O'Neill who passed away on September 28, 2014. Taylor was an avid skateboarder and loved spending time at the Merrimack Skate Park.

Mr. Robert O'Neill stated permission was being sought to place a plaque at the Merrimack Skate Park. Potential vendors were contacted and given approximate dimensions, etc. He provided an example of the type of plaque and what is desired to be placed on the plaque; a photoengraving of Taylor on a skateboard. The material of the plaque is marble. Although sold and advertised as marble, he could not assure it is 100% marble block. However, it is made for withstanding the elements and is what is used for memorial plaques today.

The desire is to place the plaque in the vertical face of the half pipe. Currently located in that area are postings identifying rules and regulations (metallic) and approximately 2' from that a display case that contains information on the park hours. Being proposed is to place the plaque 2' to the left of the rules and regulations to be visually pleasing. Mr. O'Neill stated his belief Town personnel have offered to install the plaque.

Ms. Wendy Bamford informed the Council of her receipt of some 40 letters and hundreds of messages from Taylor's friends who are all in support of the installation of a plaque as a remembrance. She commented Taylor had been going to the Merrimack Skate Park since he was in 7th grade, was a teacher to kids of all ages, and wore his heart on his shoulder. She spoke of how important skating was to Taylor noting he was sponsored by the Ken Jones Skate Club, was starting to open up a series of decks, was an A/B student at Merrimack High School and from there a student at Central who graduated with high honors.

MOTION made by Councilor Boyd and seconded by Councilor Mahon to waive the requirements of the naming policy

ON THE QUESTION

Councilor Boyd explained his desire for the Council to consider naming the half pipe the Taylor O'Neill Half Pipe.

It was stated waiving of the naming policy would not be required. Councilor Dwyer suggested the Council support the request being made by Ms. Bamford.

Ms. Bamford noted Taylor's Birthday is June 28th, and her desire would be to install the plaque on that day.

<u>MOTION</u> made by Councilor Dwyer and seconded by Councilor Boyd that the Town Council accept the request on behalf of the O'Neill family to have a memorial plaque placed at the Merrimack Skate Park on O'Gara Drive in memory of Taylor O'Neill who passed away on September 28, 2014. <u>MOTION CARRIED</u> 7-0-0

Mr. O'Neill commented skateboarding is a skill/sport, and something young people can participate in. It is so important today given the non-organized kind of sporting events/activities are available for young people are a precious few. Today's skateboarding is one of the principal ways these young people have of getting good healthy exercise, making contact with people, learning good sills, and basically keeping out of trouble. He stated he has personally had at least a dozen young men tell him how Taylor helped them because of his interest.

3. Selective Cutting – Best Forestry Management Practices for Merrimack

Submitted by Wendy E.N. Thomas

A discussion of best selective cutting practices with regard to harvesting, wildlife, and protected land – role of the town forester, and communication to abutters. Included will be suggestions for the town to consider going forward with any selective cutting, surveying, or clear cutting project.

Ms. Wendy Thomas remarked the issue came about as a result of tree harvesting that was conducted at Atherton Road, John Lane, Wildcat Falls Road, and West Chamberlain Road. She stated she has spoken with a lot of the neighbors, and commented on the amount of passion displayed by members of the public who spoke at a Town Council meeting on this matter.

Ms. Thomas stated timber harvest in Merrimack on public land is a valuable resource and asset. It reminds us of what we are doing in New Hampshire; a big part of it is open land/forested land. On the property where the timber harvest was conducted, there are red tail hawks, falcons, owls, woodpeckers, deer, frog, salamanders, squirrels, plants, and a ton of other things; a really diverse ecosystem on that 6-acre site. Ms. Thomas noted last fall she personally saw a Peregrine Falcon coming down from Manchester. This spring she saw a juvenile Peregrine Falcon, which she finds to be very exciting.

Ms. Thomas stated the uproar heard at the last meeting was not because cutting was done, but because wildlife and some of the Town's land was unnecessarily threatened and destroyed. During the meeting Mike Powers, Bay State Forestry, had suggested, if she had questions, she could contact the State Forest Ranger. She spoke with Neil Bilodeau, Forest Ranger II, New Hampshire Department of Resources and Economic Development, Division of Forests & Lands. Together they walked the land, and he provided her some information. The point of a harvest is to generate revenue. It is not to make the forest healthier. That can be a side effect of cutting down trees, but it is not the purpose of doing a harvest. In order to make revenue, you cut down the biggest and strongest trees and leave the smaller trees and dead trees. A harvest has nothing to do with protecting wildlife or the land, it is simply about the money.

Ms. Thomas stated New Hampshire has a means of ensuring forestry land is protected. A document was developed by the New Hampshire Department of Resources and Economic Development, Division of Forests & Lands, the UNH Cooperative Extension, and the Society for the Protection of New Hampshire Forests, which has been published, and is titled Good Forestry in the Granite State. Although voluntary, the guidelines are used on many conservation easements, conservations easements held by the NH Division of Forests & Lands, State owned land as well as private and public forest lands.

Ms. Thomas provided an example of what would have resulted had best practices been followed during the recent harvest. She displayed a photo of a tree containing a nest, and stated best practices dictate, if a tree is found with a nest I it, you should take a chains length (66') around the nest so as not to disturb the nest. She stated the problem is not just that the rule was disobeyed, it is that now this nest is exposed putting that particular wildlife at risk.

She spoke to best practices that were not followed in the vernal pool basin (Atherton Road/John Lane). She stated the area to be wet throughout the year and noted there is a stream that runs on the other side of the street (parallel to the ballpark). If best practices had been followed there would not have been any heavy machinery in the pool basins and no trees with crowns that protect the water supply would have been removed. The intent is to avoid the water supply drying out. Ms. Thomas reiterated the intent was not to say don't harvest. It is understood trees are a renewable resource. The desire is for it to be done responsibly; look out for the wildlife and land that is so important to Merrimack.

She suggested, with future timber harvests, abutters should be notified with at least two weeks' notice. If doing timber harvesting on Town property notify all residents as all residents have a right to know about it. On all public planned timber harvests (not emergency harvests) make these voluntary practices that are followed by many agencies in the State mandatory.

Chairman Harrington requested clarification what has been presented up to this point with regard to best practices has been voluntary best practices. Ms. Thomas stated they are, and that is the problem. She noted going into the wetlands is protected by an RSA.

Chairman Harrington questioned if the publication separates out voluntary versus mandatory or if it is all voluntary. Ms. Thomas responded for the most part it is voluntary. It does cover the RSAs that apply.

Ms. Thomas remarked most importantly is to go forward with the mindset that it is imperative to protect Merrimack's open land and its wildlife and view that land as a valuable asset that helps make Merrimack a great place to live.

Chairman Harrington stated she was bothered by the remarks related to revenue and harvesting. It sounded as if there was an implication that the Town did it for money. She added revenue gained was a byproduct not the motivation.

Ms. Thomas stated in the minutes of the Council meeting of November 6th, Vice Chairman Mahon stated "Tim Tenhave, Chairman, MCC, reminded him that property was designated in the Athletic Fields Needs Committee Study Report as an appropriate place for a softball field at some point in time. The property is approximately 6.5 acres in size. The Forester has stated it is a small project for commercial loggers. The potential is great because there are some pretty nice growth trees of 100-125'. He did a quick review of the property and believes the Town could gain $1,000 - $3,000 through a selective cut/harvesting." She remarked that tells her money was certainly a consideration. Chairman Harrington stated after the Council had requested it be looked at, that was the response that was brought back. At no point, was that a motivating factor.

Councilor Rothhaus stated agreement potential revenue was not a motivating factor. With regard to the comments made that the forest isn't healthier because of it, he commented he does not sit on the MCC and never has, but that is what he has always heard from them in particular, and they are the individuals who go out, are very concerned with the Town forests and lands, and they are the ones who picked the

Forester. He has heard on numerous occasions that it lends itself to a healthier forest. He stated he knows there is a life for these trees that eventually fades out; white pines in particular. He reiterated it was not about the potential for revenue for him.

Chairman Harrington stated her understanding is that Ms. Thomas' motivation was to request the Council make the voluntary criteria mandatory. Ms. Thomas stated that to be correct. Chairman Harrington stated she personally does not have the expertise to be able to judge that nor would she know what the possible consequences would be as a result.

MOTION made by Councilor Harrington and seconded by Councilor Boyd to refer the request to the Conservation Commission for feedback relative to the practicality of approving the request and possible unintended consequences

ON THE QUESTION

Town Manager Cabanel remarked, as it occurs so rarely in Town, and since the contract with the Forester is with the MCC, the MCC should be given the opportunity, if they so choose, to modify their policy or not. In her opinion, it is not a policy of the Council.

Councilor Boyd commented the question he would ask is who owns the property in question. Chairman Harrington asked for clarification of whether the request was intended to address s all land whether conservation or Town owned. Ms. Thomas stated that to be correct and added forestry land. Councilor Boyd stated the property that was subject of the discussion was Town owned land. They are two separate entities. Chairman Harrington commented on the Council's use of the Forester the MCC hired, and followed what their practices were.

Councilor Vaillancourt stated she believes the MCC should be brought in on the discussion noting she does not have the expertise, is not sure if they do either, but they might know where to garner the information about making something such as this mandatory. There is a separation between Town land and conservation land, and she believes there would be the need for that to be identified. She commented part of the problem was that the MCC was not brought into the conversation prior to. The Town did utilize the Forester the MCC has contracted with. However, each project is viewed individually, and just because that Forester was used doesn't mean the MCC had any knowledge about what was on that property or the scope of the work that was to be done. Her opinion is if the Council should choose to do any harvesting in the near future, the MCC should be brought into the conversation even if it is Town owned land.

Councilor Rothhaus stated he too was concerned with the 2.5 business hour notice. He questioned that and found that was not true. The letters went out. He is unsure what the delay was in residents getting that letter. Town Manager Cabanel stated she spoke with Ms. Thompson who was very clear that she sent the notices out the day they were dated. Ms. Thomas commented that is fine too, and things happen in the mail, but this project was approved in the fall so there was plenty of time to send something out. To her even March 25th was cutting it a little short.

MOTION FAILED
3-3-0

Councilors Koenig, Mahon, and Vaillancourt voted in opposition.
Councilor Dwyer had left the room and was not present for the vote.

Ms. Thomas remarked she did what she had desired, which was to bring this to the attention of the Council. She is hopeful, in the future, the Council can take steps to ensure the wildlife and land is protected.

Councilor Koenig stated his appreciation of the information brought forward. He stated what he is opposed to is trying to lay down some kind of mandate or law that says this is what you have to do in the future because each time and every situation is independent and specific. While there may have been some issues that she is uncomfortable with and that he and several other Councilors are uncomfortable with as far as timing of notifications and things of that nature, he is not prepared to say right now okay we are going to take whatever voluntary guidelines are and make them mandatory for all future efforts and all future Councils. He stated he is more than happy to say he would take that strongly into advisement and consideration in any future efforts, but he is just not going to tie his hands completely.

Ms. Thomas stated it should be a crime that some obvious pieces like nests are not protected. Councilor Koenig remarked he heard what she was saying, but he also agrees it wasn't about the money as much as it may appear that way to her. It was about doing a selective cut that would help the forest. Ms. Thomas interrupted and stated she realizes it was started because some person wanted solar panels on their home. Councilor Koenig responded that is really not why it went forward. It went forward because the Council felt it was an appropriate thing to do with that land, that a selective cut would help the woods to grow, and it will. It will take time.

Ms. Thomas stated if looking from the neighborhood end of the property, on the right hand side it was overcut, nests were violated there were issues with the wetlands, etc. She reiterated the neighbors are not opposed to a harvest that is done responsibly.

4. **Acceptance of Donations to Naticook Day Camp Scholarship Fund**
   Submitted by Parks and Recreation Director Matthew Casparius
   Town Council to consider the acceptance and expenditure of a donation in the amount of $390.00 from the Merrimack Lions Club, a donation in the amount of $550.00 from the American Camp Association and a $50.00 donation from the Merrimack Girl Scouts for the Parks and Recreation Department to be used towards the Naticook Day Camp Scholarship Fund which allows low income Merrimack families the opportunity to go to summer camp, pursuant to Charter Article 8-15 and RSA 31:95-b.

<u>MOTION</u> made by Councilor Boyd and seconded by Councilor Mahon to authorize the acceptance and expenditure of a donation in the amount of $390.00 from the Merrimack Lions Club, a donation in the amount of $550.00 from the American Camp Association and a $50.00 donation from the Merrimack Girl Scouts for the Parks and Recreation Department to be used towards the Naticook Day Camp Scholarship Fund which allows low income Merrimack families the opportunity to go to summer camp, pursuant to Charter Article 8-15 and RSA 31:95-b.
<u>MOTION CARRIED</u> 7-0-0

<u>Minutes</u>

Approve the minutes from the following Town Council meetings:

<u>March 26, 2015</u>

Chairman Harrington noted pages 5-27 relate to the informational meeting that occurred after the Council had recessed, and questioned whether the information should be included in the meeting minutes of the Council.

The following amendments were offered:

Pages 5-27; remove the text from the point where the Council recessed until the point it reconvened. Councilor Vaillancourt suggested the text be retained and posted on the website. Vice Chairman Mahon suggested the minutes be reformatted and that text be added as an Appendix to be labeled Kinder Morgan Informational Meeting Notes.
Councilor Boyd noted page 9, line 37 should be amended by replacing "eth" with "the" and page 18, lines 38-39 should be amended by putting quotation marks around the words "oh no one will know."
Page 22, line 7; replace "Krista" with "Kristi"
Page 22, Line 9; replace "Merrimac" with "Merrimack"

Page 4, Line 46; replace "Buildig" with "Building"

MOTION made by Councilor Boyd and seconded by Councilor Mahon to approve the minutes of the March 26, 2015 Deliberative Session as amended. MOTION CARRIED 6-0-1 *Councilor Vaillancourt Abstained*

April 9, 2015

The following amendments were offered:

Page 5, Line 36; replace "Krista" with "Kristi"

MOTION made by Councilor Boyd and seconded by Councilor Mahon to approve the minutes of the April 9, 2015 Town Council meeting as amended. MOTION CARRIED 5-0-2 *Councilors Koenig and Vaillancourt Abstained*

April 23, 2015

The following amendments were offered:

Page 7, Line 9; remove "word"
Page 12, Line 36; insert "not" between "just" and "having"

MOTION made by Councilor Boyd and seconded by Councilor Mahon to approve the minutes of the April 23, 2015 Town Council meeting as amended. MOTION CARRIED 7-0-0

Comments from the Press - None

Comments from the Public

Michelle Watson, 21 Whittier Road

Stated a letter was submitted to FERC by the Town's counsel on behalf of the Town. Attached to it was information from the Merrimack Village District (MVD) and the Conservation Commission. She questioned why that was not brought up under the Action Items. She stated the letter was dated May 14, 2015, and one of the lines at the very bottom of the letter states "The Town will actively participate in this process in order to ensure that the alternatives analysis includes a complete review of impacts." She stated her surprise that it was not discussed.

Town Manager Cabanel responded it is actually a response to the AECOM letter that should have gone earlier.
Ms. Watson stated it was not brought up under the Action Items. Town Manager Cabanel stated she had believed the Council had approved it. Ms. Watson reiterated it was dated that day. Town Manager Cabanel stated it was a letter that went along with the AECOM letter. A letter was attached to it on behalf of the Council to summarize it.

Ms. Watson stated the letter attached is from Tim Thompson and one from MVD. Chairman Harrington questioned if there were dates on those. Ms. Watson stated the MVD one was a while ago (March 3rd). Chairman Harrington commented it was previously completed it just didn't get posted until today. Ms. Watson stated the letter had today's date. Chairman Harrington suggested the Council could respond after having the opportunity to review the material.

Town Manager Cabanel stated the Council approved the AECOM letter, Tim Thompson signed it, it got sent to AECOM, was neglected to be sent to the docket. It was sent today with a letter dated today from the attorney. It should have been sent in quite a while ago. It was sent to AECOM, it just wasn't sent in as part of the docket. The problem is Ms. Thompson is submitting some information and the attorney is submitting information. Trying to keep up with all of this is just almost impossible.

Ms. Watson questioned if the language "the Town will actively participate" is referring to the surveys. Chairman Harrington responded if it is AECOM it is a matter of giving all of the data regarding environmental issues. All of the information from the Horse Hill Nature Preserve, MVD, etc. is being sent to AECOM. The Town will continue to be involved in the analysis of that information. Councilor Boyd echoed the Town is simply participating in the process.

Ms. Watson requested information on the Retreat. Chairman Harrington stated the Retreat has always been a public meeting and is posted. The agenda will be posted the Friday before. It is posted as a work session/Council Retreat. Ms. Thomas asked if the public is afforded the opportunity to comment during a work session, and was told there is no public participation.

Comments from the Council

Councilor Boyd commented public safety continues to be tasked with some interesting things in our community. He thanked the Police Department for a very successful open house. He noted the Fire Department had a significant brush fire over at Fidelity (14 acres). He commented on the Town having watched its Police and Fire Departments step up over the past couple of month, and expressed his gratitude for what they do day in and day out.

Councilor Rothhaus stated a desire for Town Manager Cabanel to send a letter to the Postmaster in Town, and ask if they can do something to spruce up the otherwise ugly grounds. He remarked if they could be a participant to a better degree he would appreciate it. He commented "Click it or Ticket" comes across a little negative to him. He would prefer to say "Seatbelts Save Lives". He questioned if the name is associated with the grant, and was told that is the name of the program.

Adjourn

MOTION made by Councilor Mahon and seconded by Councilor Boyd to adjourn the meeting.
MOTION CARRIED 7-0-0

The May 14, 2015 meeting of the Town Council was adjourned at 10:32 p.m.

Submitted by Dawn MacMillan

DRAFT